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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,498	11/27/2001	Masaaki Noro	1405.1053	8168
21171	7590	05/24/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ALAM, UZMA	
		ART UNIT	PAPER NUMBER	
		2157		

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/993,498	NORO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Uzma Alam	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 19-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. <u>2/28/2006</u>                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

This action is responsive to the amendment filed on March 2, 2006. Claims 1-23 are pending and were subject to a restriction requirement. Claims 19-23 have been elected. Claim 19 is amended. Claims 19-23 represent a communications control method.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Wellig et al. US Patent No. 6,580,704. Wellig teaches the invention as claimed including a method for providing direct mode communication between two mobile terminals (see abstract).

As per claims 19-22, Wellig teaches a communications control method, a communications terminal, a computer readable medium, and a communications control computer product utilized by a first communications terminal T1 connectable via a network with a second communications terminal T2, the communications control method, terminal, function, and program for executing including:

a reporting step of reporting to the second communications terminal T2 first communications identification information S1 identifying communications between the second communications terminal T2 and the first communications terminal T1 (establishing and initiating communication information between first and second mobile terminal; column 5, lines 1-5; column 6, lines 56-67; column 7, lines 1-15; column 10, lines 36-67; column 11, lines 1-25);

a receiving step of receiving from the second communications terminal T2 second communications identification information S2 that the second communications terminal T2 uses for identifying communication with the first communications terminal T1(sending address identifiers of the first and second mobile terminals to the second and first mobile terminals respectively; column 5, lines 6-10; column 8, lines 31-67; column 11, lines 34-54); and

a communications step of communicating with the second communications terminal T2 by carrying out transmission and reception of data containing the first communications identification information S1 and second communications identification information S2 (exchanging DM communications; column 5, lines 11-25; column 8, lines 31-67; column 12, lines 1-39).

As per claim 23, Wellig teaches a communications method for when, via a secure host defending against wrongful access from without, internal terminal devices connected to a network on the inside of the secure host and external terminal devices connected to a network on the outside carry out voice communications, the communications method characterized by:

accepting by way of the secure host, from outside the secure host, a call request from an external terminal device to a connectable internal terminal device, or accepting by way of the secure host, from inside the secure host, a call request from an internal terminal device to a connectable external terminal device (establishing and initiating communication information between first and second mobile terminal; column 5, lines 1-5; column 6, lines 56-67; column 7, lines 1-15; column 10, lines 36-67; column 11, lines 1-25);

when a call between the external terminal device and the internal terminal device is established, reporting to the two terminal devices a path readied in advance for transmitting and receiving voice data, and communications identification information for distinguishing what is voice data between the terminal devices, and meanwhile storing terminal-device information identifying the two terminal devices, correlative with the communications identification information reported to the two terminal devices (sending address identifiers of the first and second mobile terminals to the second and first mobile terminals respectively; column 5, lines 6-10; column 8, lines 31-67; column 11, lines 34-54);

when the secure host has received form the external terminal device or the internal terminal device voice data containing the communications identification information, specifying, from the terminal-device information stored correlative with the communications identification information, a communications-destination terminal device for the voice data, and sending out

received voice data to the specified terminal device 1 (exchanging DM communications; column 5, lines 11-25; column 8, lines 31-67; column 12, lines 1-39).

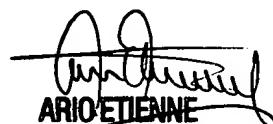
### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam  
Ua  
May 1, 2006

  
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